

REMARKS

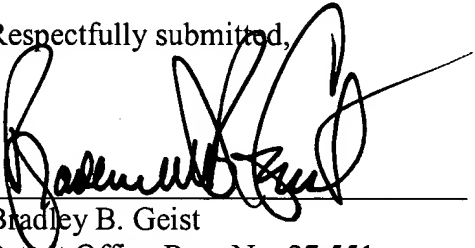
Applicant timely filed a response to the final rejection dated June 23, 2004. In the Advisory Action dated November 3, 2004, the Examiner stated that the amendments in the Response (September 20, 2004) would not be entered since they raised "new issues ...". On reviewing the prosecution history, it is clear that Applicant made the argument in the Response filed on May 19, 2004 that "only the correlation value calculator having a larger value than the threshold value in the monitoring section calculates the correlation value". This language (per sé) was inadvertently omitted from the amendment to Claim 1, a fact that was not lost on the Examiner. See "Response to Arguments" raised in the Official Action dated June 23, 2004. Accordingly, it is curious that the Examiner now argues that a limitation which establishes patentability over the cited prior art as earlier argued, and found to be "not persuasive" by the Examiner only because it was omitted from the claims, --a clear oversight-- should, when added to Claim 1, raise "new issues...".

Notwithstanding this seeming absurdity, Applicant submits herewith the Response (Amendment) filed on September 20, 2004 along with an RCE; however, it is respectfully requested that the Examiner reconsider his position in light of the previous prosecution history and come to the fair conclusion that the basis for patentability, i.e. the limitation so clearly discussed in the Applicant's Response filed on May 25, 2004, and discussed so clearly in the Official Action dated June 23, 2004, not now be a limitation that raises "new is sues...".

PATENT

Applicant respectfully seeks the Examiner's thought reconsideration and allowance of the pending claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Bradley B. Geist', is written over a horizontal line.

Bradley B. Geist
Patent Office Reg. No. 27,551

Attorney for Applicants
(212) 408-2562

30 Rockefeller Plaza
New York, New York 10112